THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17690 OF 2006

DATED: 24.8.2006

BETWEEN:

Alladi Suryanarayana … petitioner

And

The Commissioner,
Municipal Corporation of Hyderabad,
Secundrabad. … Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17690 OF 2006

ORDER:

Heard the counsel.

The writ petition is filed for a writ of mandamus declaring the impugned notice issued by the respondent in Lr.No.21/TP/MCH/SD/W-6/2006 dated 27.7.2006 under Section 636 of the Hyderabad Municipal Corporation Act served on the petitioner on 23.8.2006 at 5.00 PM as illegal, arbitrary, violative of the Act and violative of Article 14 and 300-A of the Constitution of India and to pass such other suitable orders.

Several factual details are narrated in paras- 2 to 4 of the affidavit filed in support of the writ petition. It is also stated that straightaway notice under Section 636 of the Act had been issued without issuing any notice under Section 452 of the Act calling upon the petitioner to show cause. It is also stated that had the respondent followed the said procedure, the petitioner would have got an opportunity of putting forth his objections. It is needless to say that when the respondents intend to proceed with the demolition, the respondents has to follow the procedure contemplated under the provisions of the aforesaid Act.

In the peculiar facts and circumstances, the respondents to treat the impugned notice as show cause notice and the petitioner to file objections, if any, to the show cause notice within a period of two weeks from today and the respondents to consider the objections and

pass appropriate orders in relation thereto and till then respondents not to resort to any demolition activity in relation to the subject matter of the writ petition.

Writ petition is accordingly disposed of. No order as to costs.

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24.8.2006.

Mdaa.